

APPEAL NO. 020256  
FILED MARCH 5, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on August 20, 2001. The hearing officer determined that the respondent's (claimant) compensable injury included diskitis, severe degenerative disc disease at L4-5 and L5-S1, and lumbar instability. The appellant (carrier) appealed the determination on sufficiency grounds. The claimant urges affirmance. We remanded this case because the record on appeal was not complete. Texas Workers' Compensation Commission Appeal No. 012202, decided November 19, 2001. On January 9, 2002, a hearing on remand was held. The hearing officer again determined that the compensable injury included diskitis, severe degenerative disc disease at L4-5 and L5-S1, and lumbar instability, and the carrier again appealed on sufficiency grounds. The claimant responded, urging affirmance.

DECISION

Affirmed.

The issue of whether the claimant's compensable injury extends to and includes diskitis, severe degenerative disc disease at L4-5 and L5-S1, and lumbar instability presented a question of fact for the hearing officer. The hearing officer is the sole judge of the relevance and materiality of the evidence and of its weight and credibility. Section 410.165(a). The hearing officer resolves conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). When reviewing a hearing officer's decision we will reverse such decision only if it is so contrary to the overwhelming weight of the evidence as to be clearly wrong and manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986).

The carrier contends that the hearing officer's determination that the claimant's compensable injury extends to diskitis, severe degenerative disc disease at L4-5 and L5-S1, and lumbar instability is not supported by sufficient evidence. The claimant's treating doctor opined that the claimant's prior laser disc surgery at the L4-5 and L5-S1 levels, performed due to the compensable injury, caused severe degenerative changes and severe instability in the claimant's back. That evidence provides sufficient evidentiary support for the hearing officer's extent-of-injury determination. The hearing officer was acting within her province as the fact finder in deciding to give more weight to the evidence from the treating doctor than to contrary evidence from the carrier. Our review of the record does not demonstrate that the challenged determination is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Therefore, no sound basis exists for us to reverse the challenged determination on appeal. Cain; Pool.

We note that Section 408.021, frequently referred to as the lifetime medical benefits provision, provides that an injured employee "is entitled to all health care reasonably required by the nature of the injury as and when needed."

The hearing officer's decision and order are affirmed.

According to information provided by the carrier, the true corporate name of the insurance carrier is **TRANSPORTATION INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**C. T. CORPORATION SYSTEM  
350 N. ST. PAUL  
DALLAS, TEXAS 75201.**

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Elaine M. Chaney  
Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Gary L. Kilgore  
Appeals Judge